

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV131

**VIRGINIA GREELEY, Executrix of the)
Estate of Paul J. Greeley; and)
VIRGINIA GREELEY,)
)
Plaintiffs,)**

Vs.)

ORDER

**AUTO-OWNERS INSURANCE CO., a)
Michigan Corporation; BLACKWELL)
CONSTRUCTION, INC., a South)
Carolina Corporation; JERRY)
BLACKWELL and wife, SANDRA)
BLACKWELL,)
)
Defendants.)**

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed September 26, 2006.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On September 26, 2006, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Plaintiffs' motion to amend complaint and the Defendants Jerry and Sandra Blackwell's renewed motion to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on October 13, 2006. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Plaintiffs' motion to amend be denied and the renewed motion of Defendants Jerry and Sandra Blackwell to dismiss be allowed.

IT IS, THEREFORE, ORDERED that the Plaintiffs' motion to amend is **DENIED**.

IT IS FURTHER ORDERED that the renewed motion of Defendants Jerry and Sandra Blackwell to dismiss is **ALLOWED**, and the Plaintiffs' claims as to these Defendants are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: October 23, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

